

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	Case No. 1:12-cr-129
	)	Case No. 1:13-cr-83
v.	)	
	)	MATTICE / LEE
MITCHELL HUGHES	)	

**ORDER**

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:

(1) grant Defendant's motion to withdraw his not guilty plea to Count One of the six-count Second Superseding Indictment in case number 1:12-cr-129 and Count One of the one-count Indictment in case number 1:13-cr-83; (2) accept Defendant's plea of guilty to the lesser included offense of the charge in Count One of the Second Superseding Indictment in case number 1:12-cr-129, that is of conspiracy to distribute five (5) grams or more of methamphetamine (actual) and fifty (50) grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B) and to Count One of the Indictment in case number 1:13-cr-83; (3) adjudicate Defendant guilty of the lesser included offense of the charge in Count One of the Second Superseding Indictment in case number 1:12-cr-129, that is of conspiracy to distribute five (5) grams or more of methamphetamine (actual) and fifty (50) grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B) and Count One of the Indictment in case number 1:13-cr-83; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this

matter [Docs. 440 and 17]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Docs. 440 and 17] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count One of the Second Superseding Indictment in case number 1:12-cr-129 and Count 1 of the Indictment in case number 1:13-cr-83 is **GRANTED**;
- (2) Defendant's plea of guilty to the lesser included offense of the charge in Count One of the Second Superseding Indictment in case number 1:12-cr-129, that is of conspiracy to distribute five (5) grams or more of methamphetamine (actual) and fifty (50) grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B) and Count One of the Indictment in case number 1:13-cr-83 is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the lesser included offense of the charge in Count One of the Second Superseding Indictment in case number 1:12-cr-129, that is of conspiracy to distribute five (5) grams or more of methamphetamine (actual) and fifty (50) grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B) and Count One of the Indictment in case number 1:13-cr-83.
- (4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing;

and

- (5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **Monday, March 17, 2014 at 9:00 a.m.** before the Honorable Harry S. Mattice, Jr.

**SO ORDERED.**

**ENTER:**

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE